



**IT IS ORDERED as set forth below:**

**Date: July 31, 2019**

*Paul Baisier*

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**Paul Baisier  
U.S. Bankruptcy Court Judge**

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IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

IN RE:	:	
	:	CHAPTER 11
SOUTHEASTERN HOSPITALITY, LLC,	:	
	:	CASE NO. 18-67291-PMB
Debtor.	:	
	:	
ACCESS TO CAPITAL FOR	:	
ENTREPRENEURS, INC.,	:	
	:	
Movant,	:	CONTESTED MATTER
	:	
v.	:	
	:	
SOUTHEASTERN HOSPITALITY, LLC,	:	
	:	
Respondent.	:	

**ORDER GRANTING MOTION TO MODIFY AUTOMATIC STAY**

THIS MATTER HAVING COME BEFORE THE COURT for hearing on July 29, 2019, on the Motion to Modify Automatic Stay, Waiver of the 30-Day Requirement of Section 362(e), and Waiver of Stay of Order Under Bankruptcy Rule 4001(a)(3) (the "Motion"), filed by Access to Capital for Entrepreneurs, Inc. ("ACE") on June 10, 2019 (Docket No. 109); and

WHEREAS, ACE asserts that Southeastern Hospitality, LLC (the "Debtor") is indebted

to ACE pursuant to a Promissory Note dated July 16, 2015, in the original principal amount of \$153,815.70 (the “Note”); and

WHEREAS, ACE asserts that it holds a valid, properly perfected security interest in all of the Debtor’s new and used business kitchen machinery & equipment, business furniture and fixtures now owned and hereinafter acquired by Southeastern Hospitality, LLC (collectively, the “Collateral”) by virtue of the Note, by virtue of a Security Agreement from Southeastern Hospitality, LLC d/b/a Mercury Supper Club and Lounge (the “Security Agreement”), and by virtue of a UCC Financing Statement; and

WHEREAS, the Debtor filed a petition for relief under Chapter 11 of Title 11 of the United States Code on October 12, 2018, and the Debtor converted the case from Chapter 11 of Title 11 of the United States Code to Chapter 7 of Title 11 of the United States Code on June 13, 2019; and

WHEREAS, on June 10, 2019, ACE filed its Motion (Docket No. 109), and the Debtor, Debtor’s counsel, the U. S. Trustee, attorneys requesting notice, and all parties in interest were served with copies of the Notice of Hearing on Motion and the Motion on June 10, 2019. Moreover, on July 3, 2019, the same parties identified above were served with ACE’s Notice of Reassignment of Hearing for the July 29, 2019 hearing date; and

WHEREAS, there was no opposition to ACE’s Motion at the July 29, 2019 hearing; and

WHEREAS, ACE asserts that the Note is in default by virtue of the Debtor failing to make its payments as required under the Note, and that cause exists for permitting ACE to exercise its state law remedies against the Collateral; and

WHEREAS, ACE asserts that the Collateral is not necessary to an effective reorganization of the Debtor; now, therefore,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that Access to Capital for Entrepreneurs, Inc.’s Motion is hereby GRANTED pursuant to 11 U.S.C. Section 362 so as to allow Access to Capital for Entrepreneurs, Inc. to exercise all of the remedies available to it

under Georgia law against the Collateral.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, should any excess proceeds remain following the sale and disposal of the Collateral, Access to Capital for Entrepreneurs, Inc. shall remit said proceeds to the Chapter 7 Trustee.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the fourteen (14) day stay of this Order pursuant to Federal Rule of Bankruptcy Procedure 4001(a)(3) is hereby waived, and this Order is deemed effective immediately upon the date of the entry of the Order.

– END OF DOCUMENT –

PREPARED AND PRESENTED BY:

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NO OPPOSITION TO:

/s/ S. Gregory Hays  
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